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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS CARDENAS MORFIN,

Defendant

Case No.: CR 11-00138 SBA

**STIPULATION AND ORDER
CONTINUING COMPETENCY
HEARING**

The parties in the above-captioned case, by and through their counsel of record, hereby stipulated, agree, and jointly request that the hearing to determine the Defendant's competency be continued from October 24, 2011 to November 7, 2011, at 11:00 a.m., that the report required under 18 U.S.C. § 4247(c) be filed with the Court at least seven (7) days prior to the hearing, and that the parties' response to the report be filed no later than two (2) days thereafter. This continuance is necessary to accommodate the schedules of government counsel and defense counsel, as government counsel is not

1 available on October 24, 2011 and the next date that is available for both counsel and the
2 Court is October 31, 2011.

3 The parties also stipulate, agree, and jointly request that all time between
4 September 27, 2011 and November 7, 2011, should be excluded under 18 U.S.C.
5 §§3161(h)(1)(A) and (h)(7)(B)(iv), as delay resulting from the need to conduct an
6 examination and the appropriate proceedings to determine the mental competency of the
7 defendant, and because the ends of justice served by the granting of the continuance
8 outweigh the best interests of the public and the defendant in a speedy and public trial in
9 that denial of the continuance would unreasonably deny the government or the defendant
10 continuity of counsel.

11 Date: 10/19/11

12 _____/s/_____

13 David Kelvin, Esq.

14 Counsel for Defendant MORFIN

15
16
17 Date: 10/19/11

18 _____/s/_____

19 Karen Beausey

20 Assistant United States Attorney

21 I hereby attest that I have on file all holograph signatures for any signatures
22 indicated by a "conformed" signature (/S/) within this efiled document.

23
24 _____/s/_David Kelvin_____

25 Counsel for Defendant


ORDER

Based upon the request of the parties, and good cause appearing, IT IS HEREBY ORDERED that the hearing to determine the Defendant's competency is CONTINUED from October 24, 2011 to November 7, 2011 at 11:00 a.m. The report required under 18 U.S.C. §4247(c) shall be filed with the Court at least seven (7) days prior to the hearing, and the parties' response to the report shall be filed no later than two (2) days thereafter.

IT IS FURTHER ORDERED that the time between October 24, 2011, and November 7, 2011, should be excluded under 18 U.S.C. §§3161(h)(1)(A) and (h)(7)(B)(iv), as delay resulting from the need to conduct an examination and the appropriate proceedings to determine the mental competency of the defendant, and because the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial in that denial of the continuance would unreasonably deny the government or the defendant's continuity of counsel.

IT IS SO ORDERED

10/21/11
Date


HON. SAUDRA BROWN ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE